

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REQUEST TO FILL VACANCIES ON)
WESTERN PULASKI COUNTY WATER) CASE NO. 2012-00052
DISTRICT BOARD OF COMMISSIONERS)

O R D E R

Don Calder, chairman of Western Pulaski County Water District ("Western Pulaski District"), has advised the Commission in writing of the existence of two vacancies on Western Pulaski District's Board of Commissioners due to the expiration of the incumbents' terms, has requested that the Commission fill each vacancy, and has proposed candidates for appointment. More specifically, Mr. Calder requests that the incumbents – Teddy Roberts and Jimmy Dalton – be appointed to fill the unexpired terms.

Commission records indicate that the terms of Mr. Roberts and Mr. Dalton ended on October 4, 2010 and on May 10, 2011 respectively.¹ Commission records do not reflect the appointment of any successor upon the expiration of those terms.²

KRS 74.020(4), which addresses the appointment of members to the boards of commissioners of water districts, states:

Vacancies shall be filled by the same appointing authority which is empowered to make the original appointment. Vacancies resulting from cause other than expiration of the term shall be filled for the

¹ *Report of Western Pulaski County Water District to the Kentucky Public Service Commission for the Year Ended December 31, 2009* at 6.

² KRS 74.020(9) requires water districts to report to the Commission all vacancies resulting from the expiration of a term or the death, resignation, or removal of the incumbent and all appointments within 30 days of the appointment or the occurrence of the vacancy.

unexpired term only. Notwithstanding the provisions of KRS 67.710, a vacancy resulting from the expiration of a term or the death, resignation, or removal of the incumbent shall be filled by the Public Service Commission if, within ninety (90) days following the vacancy, the vacancy has not been filled by the appropriate county judge/executive with approval of the fiscal court.

Finding that a proceeding should be initiated to consider the request, the Commission HEREBY ORDERS that:

1. This proceeding is initiated to fill the existing vacancies on Western Pulaski District's Board of Commissioners.

2. Pulaski County Judge/Executive Barty Bullock, Pulaski County Fiscal Court, Western Pulaski District, Teddy Roberts, and Jimmy Dalton are made parties to this proceeding.

3. Any party filing documents with the Commission shall serve a copy of those documents upon all other parties.

4. Service of any document or pleading shall be made in accordance with 807 KAR 5:001, Section 3(7).

5. Teddy Roberts and Jimmy Dalton shall each file with the Commission the original and ten copies of the information listed in Appendix A. A party's failure to file the requested information in a timely manner shall be considered as notice that the party does not wish to be considered for appointment to Western Pulaski District's Board of Commissioners.

6. Western Pulaski District shall file with the Commission the original and ten copies of the information listed in Appendix B.

7. a. The information requested herein is due on or before March 16, 2012. Responses to requests for information shall be appropriately bound, tabbed and indexed and shall include the name of the witness responsible for responding to the

questions related to the information provided, with copies to all parties of record and ten copies to the Commission.

b. Each response shall be answered under oath or, for representatives of a public or private corporation or a partnership or association or a governmental agency, be accompanied by a signed certification of the preparer or person supervising the preparation of the response on behalf of the entity that the response is true and accurate to the best of that person's knowledge, information, and belief formed after a reasonable inquiry.

c. Any party shall make timely amendment to any prior response if it obtains information which indicates that the response was incorrect when made or, though correct when made, is now incorrect in any material respect.

d. For any request to which a party fails or refuses to furnish all or part of the requested information, that party shall provide a written explanation of the specific grounds for its failure to completely and precisely respond.

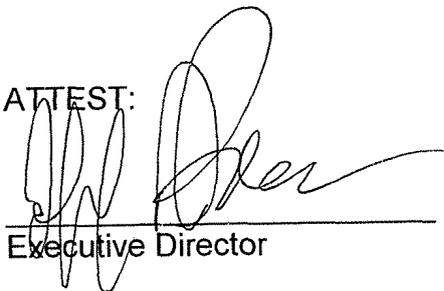
e. Careful attention should be given to copied material to ensure that it is legible. When the requested information has been previously provided in this proceeding in the requested format, reference may be made to the specific location of that information in responding to this request. When applicable, the requested information shall be separately provided for total company operations and jurisdictional operations.

8. Any party who wishes to nominate a person to fill either of the vacancies shall submit its nomination to the Commission in writing within 20 days of the date of this Order.

By the Commission

ENTERED ^{PA}
FEB 27 2012
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director

Case No. 2012-00052

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE COMMISSION IN CASE NO. 2012-00052 DATED FEB 27 2012

1. Provide your resume or curriculum vitae.
2. State your date of birth.
3. State your current street address and your current mailing address (if different from your street address).
4. State whether you have ever been convicted of violating any law (other than minor traffic offenses). If yes, list the conviction, the court that adjudged the sentence, and date and place.
5. State whether you reside in Western Pulaski District's territory.
6. State whether you have fought a duel with deadly weapons or sent or accepted a challenge to fight a duel with deadly weapons, acted as second in carrying a challenge, or aided or assisted any person doing so.
7. State whether you are a customer of Western Pulaski District.
8. Describe your educational background.
9. Describe your experience in operating or managing a water utility.
10. Describe your experience in managing or operating organizations similar to a water utility.
11. List all positions that you currently hold with any local, state, or federal governmental entity.
12. a. List all non-governmental organizations and non-profit corporations for which you serve as an officer.

b. For each organization and corporation listed, state whether the organization or corporation transacts business with Western Pulaski District.

13. List all contracts that you have ever entered into with Western Pulaski District to provide goods or services. Provide a copy of each contract.

14. List all business transactions that you have had with Western Pulaski District in a personal or non-official capacity.

15. List all family members that Western Pulaski District currently employs and the position that each family member holds. State the date on which each family member began his or her employment with Western Pulaski District.

16. List all family members that Western Pulaski District has previously employed and the position that each family member held. State the dates on which each family member began and ended his or her employment with Western Pulaski District.

17. List all courses of water district management training that you have attended since January 1, 2001.

APPENDIX B

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE COMMISSION IN CASE NO. 2012-00052 DATED FEB 27 2012

1. List the name of each current Western Pulaski District commissioner and the date on which his or her term expires.
2.
 - a. Provide a map of Western Pulaski District's territory.
 - b. Provide the ordinances and resolutions of Pulaski County Fiscal Court that establish Western Pulaski District's territorial boundaries.
 - c. Provide all orders of the Judge/Executives of Pulaski, Russell, and Wayne Counties that address Western Pulaski District's territorial boundaries.
3. Provide all documents of the Fiscal Courts of Pulaski, Russell, and Wayne Counties that address the most recent appointment to Western Pulaski District's Board of Commissioners of:
 - a. Teddy Roberts; and
 - b. Jimmy Dalton.
4. For each person listed in Item 3, state the date on which his or her term expired.
5. Provide all correspondence with the Pulaski County Judge/Executive regarding the expiration of the last term of the individuals listed in Item 3.
6. List all contracts that each person listed in Item 3 has entered into with Western Pulaski District to provide goods or services. Provide a copy of each contract and the minutes of the meeting of the Western Pulaski District Board of Commissioners in which the contract was approved.

7. List all business transactions that each person listed in Item 3 has entered into with Western Pulaski District in a personal or non-official capacity.

8. List all family members of each person listed in Item 3 that Western Pulaski District currently employs and the position that each family member holds. State the date on which each family member began his or her employment with Western Pulaski District.

9. List all family members of each person listed in Item 3 that Western Pulaski District has previously employed and the position that each family member held. State the dates on which each family member began and ended his or her employment with Western Pulaski District.

10. State the percentage of the total assets of Western Pulaski District's distribution system that is located in:

- a. Pulaski County;
- b. Russell County; and
- c. Wayne County.

Hon. Barty Bullock
Pulaski County Judge Executive
100 N. Main Street, Suite 202
Somerset, KENTUCKY 42501

Don Calder
Chairman
Western Pulaski County Water District
1059 West Highway 80
Somerset, KY 42503

Jimmy Dalton
911 Maclin Lane
Nancy, KENTUCKY 42544

Martin L Hatfield, Esq.
Pulaski County Attorney
103 South Maple Street
Somerset, KANSAS 42501

Pulaski County Fiscal Court
100 N. Main Street
Somerset, KENTUCKY 42501

Teddy Roberts
204 Roberts Road
Nancy, KENTUCKY 42544